

fw



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,357	11/21/2001	Peter Everett Brooks	6954.01	3338

25763 7590 07/25/2003

DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
50 SOUTH SIXTH STREET
MINNEAPOLIS, MN 55402-1498

EXAMINER

NICOLAS, FREDERICK C

ART UNIT	PAPER NUMBER
----------	--------------

3754

DATE MAILED: 07/25/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,357

Applicant(s)

BROOKS, PETER EVERETT

Examiner

Frederick C. Nicolas

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) 10, 18 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-15, 19-21, 25-31, 33-35, 37-44, 47-49, 51-53, 57 and 58 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 16, 17, 22, 23, 32, 36, 45, 46, 50 and 54-56 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claim 16 is withdrawn in view of the newly discovered reference(s) to Blette et al. 5,186,982. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 50 recites the limitation "the transfer pin" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4,11,31,33-35,37-39,41-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Jager et al. (U.S 3,164,304).

Jager et al. discloses a liquid dispensing device as seen in Figure 1, which comprises a pin element 20 moveably oriented to move between a retracted position, wherein the pin element is disposed within the device as seen in Figure 1, and an extended position, wherein a portion of the pin element is external to the device as seen in Figures -5, a drive element 32 operatively coupled with the pin element wherein the

Art Unit: 3754

drive element is operating the pin element (col. 2, ll. 18-30), a driven element 36 in contact with the transfer pin, an encasement/nozzle defining a chamber 18 and an orifice communicating with the chamber (col. 2, ll. 6-17), the extended position describes a portion of the pin element extending out of the chamber through the orifice as seen in Figure 2, a liquid receiving opening (see Figure 1 for location, note: the liquid receiving opening is the opening within bearing (24)), the transfer pin motion is hydraulically restrained by the liquid in the chamber as best seen in Figure 1, and it is inherent that the transfer pin motion of Jager et al. is hydraulically restrained by the liquid in the chamber in as much as the applicant's claimed invention.

6. Claims 1-4, 11-15, 19-21, 25-31, 33-35, 37-39, 41-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Mutschler 3,334,354.

Mutschler discloses a liquid dispensing device as seen in Figure 1, which comprises a pin element 12 moveably oriented to move between a retracted position, wherein the pin element is disposed within the device as seen in Figure 1, and an extended position, wherein a portion of the pin element is external to the device as seen in Figure 2, a drive element 13 operatively coupled with the pin element wherein the drive element is operating the pin element (col. 2, ll. 14-17), the drive element is magnetically coupled with the pin element (col. 7, ll. 62-66), a driven element (51, 52) in contact with the transfer pin, an encasement/nozzle defining a chamber 10 and an orifice 22 communicating with the chamber, the extended position describes a portion of the pin element extending out of the chamber through the orifice as seen in Figure 2, the transfer pin motion is hydraulically restrained by the liquid in the chamber as seen in

Art Unit: 3754

Figure 1, and it is inherent that the transfer pin motion of Mutschler is hydraulically restrained by the liquid in the chamber in as much as the applicant's claimed invention.

7. Claims 1,12,14,37-38,40-44,47-49,51-53,57-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Blette et al. 5,186,982.

Blette et al. discloses a liquid dispensing device as seen in Figure 1, which comprises a contact element 22 moveably oriented to move between a retracted position and an extended position (col. 2, ll. 60-64), a drive element 18 operatively coupled with the contact element, wherein the drive element is operating the contact element into contact with a substrate as seen in Figure 4, the drive element being selectively moveably by fluid pressure (col. 2, ll. 65-68 onto col.3, ll. 1-4), a nozzle 12 defining a chamber 14 and a dispensation orifice 46 communicating with the chamber, a driven element see Figure 1 for location, the transfer pin motion is hydraulically restrained by the liquid in the chamber as seen in Figure 1, and it is inherent that the transfer pin motion of Blette et al. is hydraulically restrained by the liquid in the chamber in as much as the applicant's claimed invention.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mutschler 3,334,354 in view of Miller et al. 5,758,650.

Art Unit: 3754

Mutschler has all the features of the claimed invention except for the magnet is a rare earth magnet. Miller et al. teaches the use of a rare earth magnet 400, where the rare earth magnet is Smco (column 6, lines 30-39).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute Mutschler's magnet with the magnet of Miller et al. in order to provide a different type of magnets that are magnetically much stronger for a given size than ferrous magnets and they have a higher resistance to demagnetization.

10. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jager et al. 3,164,304 in view of Miller et al. 5,758,650.

Walsh has all the features of the claimed invention except for the magnet is a rare earth magnet. Miller et al. teaches the use of a rare earth magnet (400), where the rare earth magnet is Smco (column 6, lines 30-39).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the magnet of Jager et al. with the magnet of Miller et al. in order to provide a different type of magnets that are magnetically much stronger for a given size than ferrous magnets and they have a higher resistance to demagnetization.

Allowable Subject Matter

11. Claims 8-9,16-17,22-23,32,36,45-46,50 and 54-56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3754

Response to Arguments

12. Applicant's arguments filed 6/13/2003 have been fully considered but are moot in view of the new ground(s) of rejection.


Conclusion

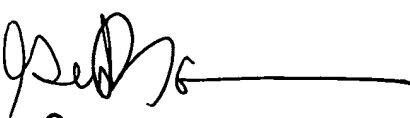
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (703)-305-6385. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mancene L Gene, can be reached at (703) 308-2696. The fax phone number for the organization where this application or proceeding is assigned is (703)-872-9302 and for after final communication is (703)-872-9303.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0861.

FN
July 23, 2003

 7/23/03


Gene Mancene
Supervisory Patent Examiner
Group 3700